

## **FOREST WORKERS NETWORKING/PARTNERSHIP MEETING**

Purpose: Agency and network collaboration to protect the forestry worker group  
Date: 1/21/2015  
Time: 10:00 am - 12:00 pm  
Location: Gus Solomon Building, 620 SW Main, Room 423 and via teleconference  
Note Taker: Karen Clark (Portland US DOL Wage and Hour) and Elida Monroe (USFS)

Attendees: Gary Beck (Oregon OSHA), Tom Silva (US DOL Wage Hour), Charles Hill (USFS), Elida Monroe (USFS), Karen Clark (US DOL Wage and Hour), Carl Wilmsen (Northwest Forest Worker Center); Laurie Hoefer (Legal Aid Svcs OR), Nargess Shadbeh (Oregon Law Center ); Laurie Abernathy (USFS); Glenda Goodwyne (USFS); Dora Herrera (Oregon Employment Department); Judy Adams (Oregon Employment Department); Fernando Guetierrez (Oregon Employment Department); Tracy Beck (USFS); Sheila Finney (USFS); Norman Brenteson (USFS); *via phone*: Gail Mance (BLM); Cecil Typton (OSHA); Tiffany Taylor (USFS); Loren Ebner (USFS); Manuel Lucero (US DOL Wage and Hour – Seattle); Sheila Creel (US DOL Wage and Hour – Seattle); Dylan Morgan (BOLI); Seward Dinsmore, (US DOL)

---

### **MEETING MINUTES**

Welcome and Introductions: Tom Silva (US DOL Wage and Hour District Director).  
Participant introductions.

Copies of agenda, draft MOA, and USFS survey provided to group.

### **PRESENTATIONS:**

Memorandum of Agreement: Charles Hill (USDA Forest Service Director of Acquisition Management – Region 6. Provided overview of MOA. The document establishes the journey and what this particular partnership is about: History, issues driving partnership, partners' commitment on labor issues on labor intensive contracts and the monitoring of issues found in Federal Government contracts clauses or the red flag checklist. A reminder that prior to this partnership, people were largely talking past one another and now there is movement for effective support of the partners. The action plan instituted a few years back has been appropriately completed and this MOA serves as the object that documents the journey. The MOA covers five years, subject to extension renewal. Federal and state agencies will serve as signatories on the document. Right now we are awaiting feedback from the MOA comments sent to all. Feedback has already been provided from Carl, BOLI and John Lund. Sheila Finney provided general info on the comments received thus far. We are extending feedback date to 2/23/15 to provide time for all to make comments, understanding that folks have been absent during holidays. Please e-mail to Elida Monroe's address at: [emonroe@fs.fed.us](mailto:emonroe@fs.fed.us)

Carl Wilmsen provided background on how the MOA came into being. Carl commented that he would like to see more education of contractors and workers, and the comments he gets from his Promotora group is that we need to provide this training, in particular to the contractors and foremen. So he envisions a stepping up of our outreach to them. This may be a sub-group from the partnership participants. Second comment/question: Why aren't there any Non-Government Officials participating in the signing of the MOA? Charles responded that at this time it's preferable not to have a large number of signatories on the MOA. However, we have the ability to influence, create subgroups, champion ideas and do work and partner with each other in the room.

Laurie Hoefer questions regarding the monitoring and reporting of issues – Charles says still working on the details on the MOA, we will address links including history links and red flag checklist, ensure that everything is documented in one place. Laurie Abernathy commented that the MOA is a document to formalize partnership, not pack it with action items. Action items should be brought to this group to figure out who/which entity would or could take on that action item. An example would be forming sub-groups for action plan items which are of a high priority. There was discussion around priority setting for sub-committee formation and accomplishing top initiative in the community to address certain issues.

H-2B VISA/LISC Survey and questionnaire results: (Charles Hill, USDA Forest Service Director of Acquisition Management & Partnerships, and Laurie Abernathy, USDA Forest Service Supervisory Contract Specialist): USFS probed CORS and their experiences in having monitored USFS labor intensive contracts. About 224 folks worked on these kinds of contracts. The questionnaire went out, with multiple reminders, and resulted with approximately 30% response rate. (Survey analysis/results provided prior to meeting for participants review).

Comments: Nargess questions on geographic locations of CORS who responded. Charles answered that answers were anonymous but potentially we could find out where in Oregon and Washington R6 Forest Service responses came from. Nargess commented that although a low response rate, good effort. Also commented whether there is some communication missing between DOL and USFS if DOL is not finding workers at specific contract locations to conduct investigations. Also questions whether the USFS is notifying enforcement agencies at the time the USFS is holding an opening conference with the contractor. It would seem to be a surer way for enforcement agencies to begin with accuracy their investigations. Carl added if USFS advises WHD of location. Tom stated that DOL communicates with the CO to take us to the location. Carl added that question #11 was not indicative of a good response on training. Per Carl, "There used to be wage and hour trainings". Tom responded that the past few years Wage and Hour Department has provided trainings to CORS. Charles finalized that there is an opportunity for this group to help, participate, show up and lead in getting messages out. Again this may be spearheaded by a subgroup from partners from this team. We are all participants and all partners are responsible to step up and provide the partnership an active role per the agency's/entity's objectives.

Executive Order 13658, establishing a Minimum Wage for Contractors: Seward Dinsmore (US DOL Wage and Hour Senior Investigator Advisor): Provided overview of Executive Order 13658, effective 1/1/15. In essence, \$10.10 minimum wage established for government contract task orders awarded after 1/1/15, contracts for new services. There are several exemptions including: awarded contracts with pre-negotiated options awarded after 1/1/15, some grants including to Native American tribes, Walsh-Healy contracts, non-covered DB and SCA contracts, and notably Davis Bacon and Related Acts. Generally, \$10.10 applies to Davis Bacon (DB) laborer and mechanics and Service Contract Act (SCA) service workers.

Main items to take away: For all new solicitations and contracts, the Wage Determination is now \$10.10 per hour for contract thresholds greater than \$2,000/\$2,500. In addition, if a worker performs work not on the contract, but is performing work directly essential to the contract (without typically being covered by DB or SCA) then that person must also be paid \$10.10 an hour.

It's the CO's responsibility to include the contract clause executive order in the contract. 29 CFR Part 10, <http://www.dol.gov/whd/flsa/eo13658/index.htm>. Appendix A is labor law flow down, if you incorporate it, you've done your due diligence. If it's not done, the investigations have to be suspended until the language has been modified into the contract.

There was discussion around the roll out for training to agencies for the correct usage of the executive order. More direction to come from DOL.

### **ACTION ITEMS:**

There are several important items to continue and finalize working partners' efforts. The action items were discussed at some specific level of detail at the meeting.

- Remember MOA extending feedback date to 2/23/15 to provide time for all to make comments, Please e-mail to Elida Monroe's address at: [emonroe@fs.fed.us](mailto:emonroe@fs.fed.us)
- A sub-group consisting of Sheila Finney, Elida Monroe, and Karen Clark will develop a Frequently Asked Questions (FAQ) document to support orderly communications around working partners' efforts.
- At the meeting, it was agreed to continue bi-annual meetings (pre- and post- season).
- Subcommittee work and framework to projects are already an interest by working partners. Projects will be solicited for the next meeting.